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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,629	02/20/2004	Timothy M. Johns	02100.0082	4131

22852 7590 12/06/2007  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
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EXAMINER

YEAGLEY, DANIEL S

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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12/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/781,629	Applicant(s) JOHNS ET AL.	
	Examiner Daniel Yeagley	Art Unit 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-11, 13, 15, 16, 19-31 and 34-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 20, 34 and 35 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 13, 15, 16, 21-31 and 36-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application.                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 15 is objected to because it is dependent upon a canceled claim.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4, 8 – 16, 21 – 31 and 36 – 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Cadwell '058.

Cadwell shows a hitching mechanism with a handle member that moves a coupling member to raise and lower the coupling member (figures 11 – 12), and further shows the art of incorporating a lifting system that is attached to the hitch mechanism (figures 9 – 15), wherein a first end of an intermediate mechanism (second linkage mechanism 148) attaches to a raise/lower member 164 that includes leg portions and a horizontal member and a second end of the intermediate mechanism attaches to a control with a handle member (second handle member 18) that moves the raise/lower member from a lower position to another upper position (figures 9-10), such that movement of the second handle member moves the intermediate mechanism to move and raise and lower the raise lower member, wherein the raise/lower member engages and supports a structure coupled with the hitch mechanism (figure 11), wherein the intermediate mechanism includes at least one link member having a pair of linkage bars (figure 12) that

include openings for attachment mechanisms comprising bolts and nuts; as shown in figure 14, wherein the lifting system includes a spring biasing member (figure 15) and is such that the hitch mechanism is capable of coupling and decoupling a structure of a dolly to a vehicle by a method of positioning the lifting system to engage and disengage the tongue 120 by manipulating the handle of the lifting system to raise and lower the member and *thereby* the tongue to an upper and lower position so that the tongue is aligned with the hitch mechanism as claimed.

***Allowable Subject Matter***

4. Claims 19, 20, 34 and 35 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 9/21/07 have been fully considered but they are not persuasive. It is noted that the claimed feature of the hitching mechanism is considered prior art by applicants' submission of the prior art figure 1 and does not appear to add anything new or novel to the hitch mechanism itself and in regards to the claimed feature of the lifting system; as now amended, is still considered readable on the claims as stated above as broadly recited.

In response to applicant's argument that Cadwell does not disclose each and every element of the claims and that the single reference must show the identical invention in as complete detail as is contained in the claim, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Cadwell clearly shows a

lifting system with elements that raise and lower the tongue of a trailer dolly, wherein the structure of the lifting system of Cadwell comprises various elements, such as a control handle member which causes an intermediate mechanism to move a raise/lower member to move as broadly claimed and is therefore readable on the claims as broadly interpreted.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.



**LESLEY D. MORRIS**  
**PATENT EXAMINER**  
**BY CENTER 3600**